



# **FREDERICK COUNTY BOARD OF APPEALS**

## **November 17, 2022**

**TITLE:** Sevan Gregorian and Juliyet Gregorian (Special Exception)

**FILE NUMBER:** B-22-30 (B273704)

**REQUEST:** Requesting a Special Exception, pursuant the Frederick County Code Sections 1-19-3.210 and 1-19-8.338 Kennels, Animal Hospitals or Veterinary Clinics in the A and VC Districts. The Applicant is proposing to construct a Veterinary Clinic on lands zoned Agricultural.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 9457 Longs Mill Road, Rocky Ridge, Maryland 21778  
**TAX MAP/PARCEL:** Tax Map 26, Parcel 167  
**COMP. PLAN:** Agricultural/Rural and Natural Resources  
**ZONING:** Agricultural (A)/Resource Conservation (RC)  
**PLANNING REGION:** Thurmont  
**WATER/SEWER:** NPS/NPS  
**LOT SIZE:** Acres 68.9

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Sevan Gregorian and Juliyet Gregorian  
**OWNER:** (same)  
**ENGINEER:** N/A  
**ARCHITECT:** N/A  
**ATTORNEY:** N/A

**STAFF:** Michael A. Paone

**RECOMMENDATION:** Staff can recommend approval of the special exception under the applicable County Code sections. However, this use is subject to Site Development plan approval through the County Planning Commission. This use also requires Building Permit review and approval and the issuance of a Certificate of Occupancy prior to establishing or starting this use. Staff, at this stage, has identified a frontage issue that must be resolved prior to final approval. Other requirements may be identified at subsequent stages of the process.

**Enclosures:**

Exhibit #1 – Proposed Structure  
Exhibit #2 – Aerial Map  
Exhibit #3 – Zoning Map  
Exhibit #4 – Env. Features Map Exhibit  
Exhibit #5 – Comp. Plan Map

# STAFF REPORT

## **BACKGROUND**

The Property is zoned Agricultural (A) and Resource Conservation (RC) and is 68.9 acres. Sevan Gregorian and Juliyet Gregorian (collectively, the “**Applicants**”) request the Board of Zoning Appeals consideration and approval for a Special Exception for a Veterinary Clinic in the Agricultural (A) District on the subject property. This use is subject to Site Development plan approval through the County Planning Commission. This use also requires Building Permit review and approval and the issuance of a Certificate of Occupancy prior to establishing or starting this use.

### **§ 1-19-3.210 - General Criteria - Special Exception:**

- A. An application for a special exception may be made only by persons with a financial, contractual or proprietary interest in the property for which a special exception is requested.

***The Applicants, Sevan Gregorian and Juliyet Gregorian, are the fee simple owners of the subject Property and will be employees at the proposed Veterinary Clinic.***

- B. A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:

1. The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of Chapter 1-19 of the County Code;

***The Applicants state that according to the Livable Frederick Master Plan (LFMP), the Property is located in the Agricultural Infrastructure Section and in close proximity to a Rural Hamlet/Agricultural Support area (i.e. Rocky Ridge). As provided in the LFMP, the “Agricultural Support Section is identified to support continued and innovative agricultural development...” and “...Frederick County has one of the strongest agricultural economies in Maryland”. In addition, the LFMP provides that: “The collection of resources, activities, systems, and knowledge necessary to nurture a healthy agricultural economy is called our Agricultural Infrastructure. This Agricultural Infrastructure must be diligently maintained, improved or expanded when necessary to respond to changing market demands or evolving technologies, and physically deployed in such a way as to serve the needs of farmers throughout the active agriculture areas in Frederick County”. See LFMP, pages 60 through 65. The Applicant’s Veterinary Clinic will serve the needs of the farmers throughout the active agriculture areas in Frederick County, especially those areas in northern Frederick County and in close proximity to the Property. The proposed Veterinary Clinic is consistent with Chapter 1-19 of the Frederick County Code and as further detailed herein.***

2. The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.

***The Applicants state their permanent residence will be located on the Property, and the proposed Veterinary Clinic will be an extended "home occupation" for the Applicants. As provided herein, the Veterinary Clinic will service the farming community and will specialize in large animals and livestock. The building that is proposed to be constructed will be in a location that is surrounded by mature trees and cannot be seen by adjacent neighbors, and the natural features of the Property will be incorporated into the design of the Veterinary Clinic. Dr. Gregorian plans to have himself, a veterinarian, and an assistant as employees. The Veterinary Clinic will be operated within an enclosed building and the operations are completely consistent in nature, size and scale with the existing development of the agricultural neighborhood. Furthermore, the business plan and proposed building plan as provided herein is in harmony with the Agricultural neighborhood within which it is located.***

3. Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district.

***The Applicants state that the proposed Veterinary Clinic is designed to be smaller in scale than a usual Veterinary Clinic that treats all types of animals. The operations of the Applicants' Veterinary Clinic will not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with a Veterinary Clinic at any other location in the Agricultural Zoning District, because the business plan for this Veterinary Clinic is for a small number of employees, and scheduled visits, and will also incorporate mobile visits to farms for the treatment of livestock and large animals. In addition, the Property and the intended Veterinary Clinic is surrounded by farm/agricultural land, is set back from neighboring properties, and operations are consistent with noises which are inherently associated with the surrounding farming/agricultural neighborhood.***

4. Parking areas will comply with the off street parking regulations of Chapter 1-19 of the County Code and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

***The Applicants state that they will comply with off street parking regulations of Chapter 1-19 of the Frederick County Code, and that parking will be screened by the natural features of the Property from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.***

5. The road system providing access to the proposed use is adequate to serve the site for the intended use.

***The Applicants state that Property is located off of Longs Mill Road, which is a Collector Road and is adequate to serve the site for the intended proposed use. Vehicular access to the Property is good in both directions from the driveway of the Property and the Applicant will adhere to access requirements that may be set during the site plan review process.***

**NOTE: This use is subject to Site Development plan approval through the County Planning Commission. This use also requires Building Permit review and approval and the issuance of a Certificate of Occupancy prior to establishing or starting this use.**

- C. In addition to the general requirements listed above, uses requiring a special exception shall be subject to the specific requirements for each use outlined in §§ [1-19-8.320](#) through [1-19-8.355](#) of the Frederick County Code.
- D. A special exception approval may be granted in accordance with the general and specific requirements enumerated in this section. The Board of Appeals may, in addition to other requirements imposed under Chapter 1-19 of the Frederick County Code and is hereby authorized to add to the specific requirements any additional conditions that it may deem necessary to protect adjacent properties, the general neighborhood, and its residents or workers. Violation of such additional conditions, when made a part of the terms under which the special exception permit is granted, is a violation of Chapter 1-19 of the Frederick County Code and may be grounds for termination of the special exception.

***The Applicants state that they understand this requirement.***

- E. The Board of Appeals shall not grant a special exception unless and until:
1. A written application for a special exception is submitted indicating the section of Chapter 1-19 of the Frederick County Code under which the special exception is sought and stating the grounds on which it is requested; and
  2. A public hearing has been held; and the Board had made a finding of fact that the special exception requested meets the general and specific requirements outlined in this section.

***The Applicants state that they understand the process.***

- F. The grant of special exception may include approval of customary incidental accessory uses as reviewed and approved by the Zoning Administrator.

***The Applicants state that they understand this provision.***

- G. No use or activity permitted as a special exception shall be enlarged or extended beyond the limits authorized in the grant of special exception. All enlargements, extensions, and changes in use shall require grants of special exception, as in the case of an original petition.

***The Applicants state that they understand this requirement.***

- H. If a grant of special exception is denied, no new petition for the denied use on the same property shall be accepted by the Board of Appeals for 1 year after the date of denial of the petition.

***The Applicants state that they understand this requirement.***

- I. A decision of the Board of Appeals granting a special exception will be void 5 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

***The Applicants state that they understand this requirement.***

**III. SPECIFIC CRITERIA – Frederick County Code §1-19-8.338- Kennels, Animal Hospitals or VETERINARY CLINICS IN THE A and VC DISTRICTS:**

The following provisions shall apply to commercial kennels, animal hospitals or veterinary clinics in the A and VC Districts:

- (A) The minimum lot area, lot width, yard setbacks and height, shall be as provided for the table in §1-19-6.100 of the Frederick County Code.

***The Applicants state that their application meets and exceeds the requirements of minimum lot area, lot width, yard setbacks and height, as provided in §1-19-6.100 of the Frederick County Code.***

- (B) Operations will be conducted within a completely enclosed building, no outside runs or kennels are permitted, except in the A District, and then subject to a 150 foot minimum setback from all property lines.

***The Applicants state that they intend to construct an enclosed building and do not intend to construct any outside runs or kennels on the Property for the Veterinary Clinic.***

- (C) In the A District, the maximum number of animals shall be 100.

***The Applicants state that they intend to have no more than 10 animals at the Veterinary Clinic at any given time.***

- (D) In the A District, one freestanding sign no more than 15 feet in height and 25 square feet in area is permitted and shall be subject to the normal setback requirement for natural resources uses.

***The Applicants state that they intend to use a sign no bigger than 2' x 3' (or 6 square feet), and will place the signage to ensure that sight lines are not impeded.***

- (E) The subject property must have frontage and access on a paved public road.

***The Applicants state that the Property is located off of Longs Mill Road, and has frontage and access to Longs Mill Road, which is a Collector Road.***

**NOTE: Per 1-19-4.520 this use requires 80' of fee simple road frontage. This property currently has approximately 29' of road frontage. This requirement will need to be met at the time of site development plan approval.**

(F) Animal incinerators are permitted as an accessory use to an animal hospital or veterinary clinic in the agricultural district only, and subject to the following additional requirements..."

***The Applicants state that they do not intend to incorporate an animal incinerator as part of the operation of the Veterinary Clinic.***

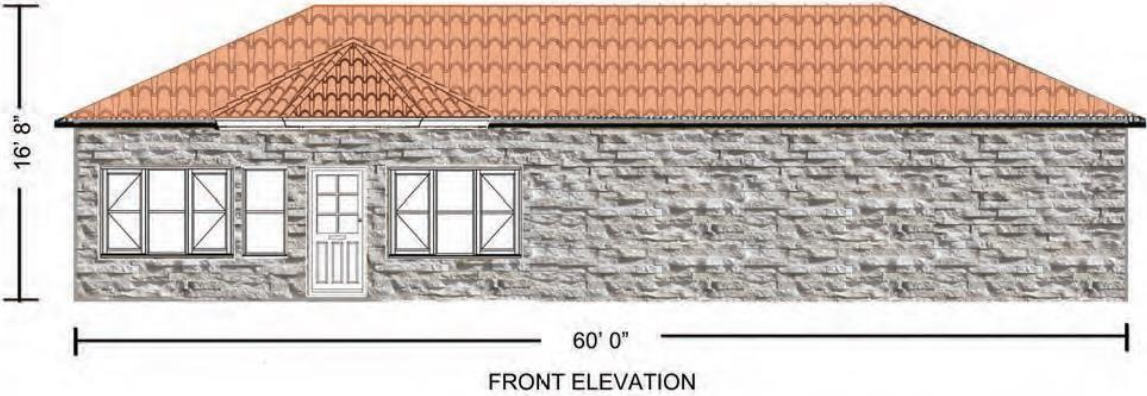
## **RECOMMENDATION**

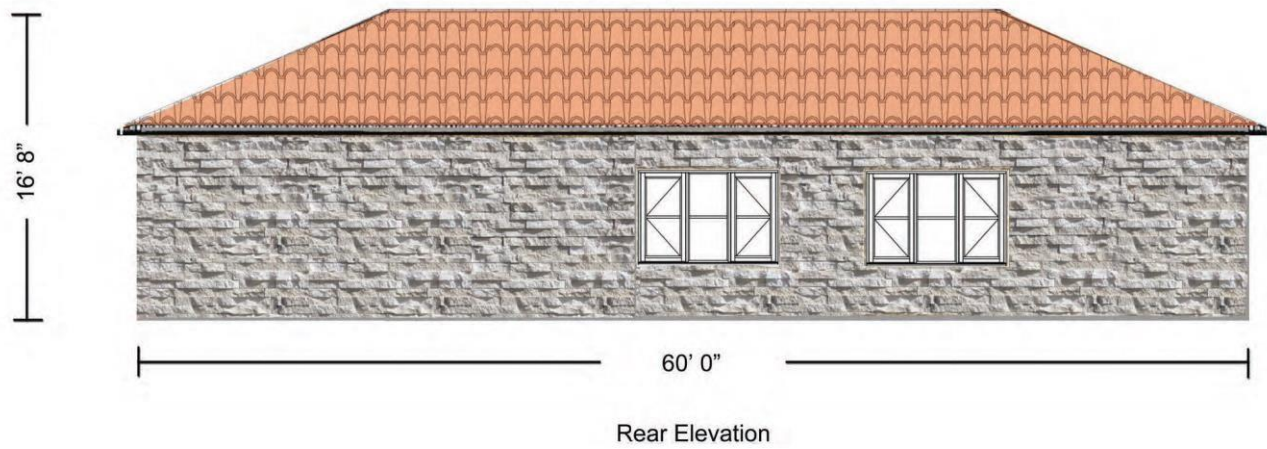
Staff does not object to approval of the special exception in accordance with the applicable special exception requirements. However, this use is subject to Site Development plan approval through the County Planning Commission.

This use also requires Building Permit review and approval and the issuance of a Certificate of Occupancy prior to establishing or starting this use. Staff, at this stage, has identified a frontage issue that must be resolved prior to final approval. Other requirements may be identified at subsequent stages of the process.

**A decision of the Board of Appeals granting a special exception will be void 5 years from the date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in the accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the Applicant, a time extension may be granted by the Zoning Administrator for a period not to exceed 6 months**

Proposed Structure





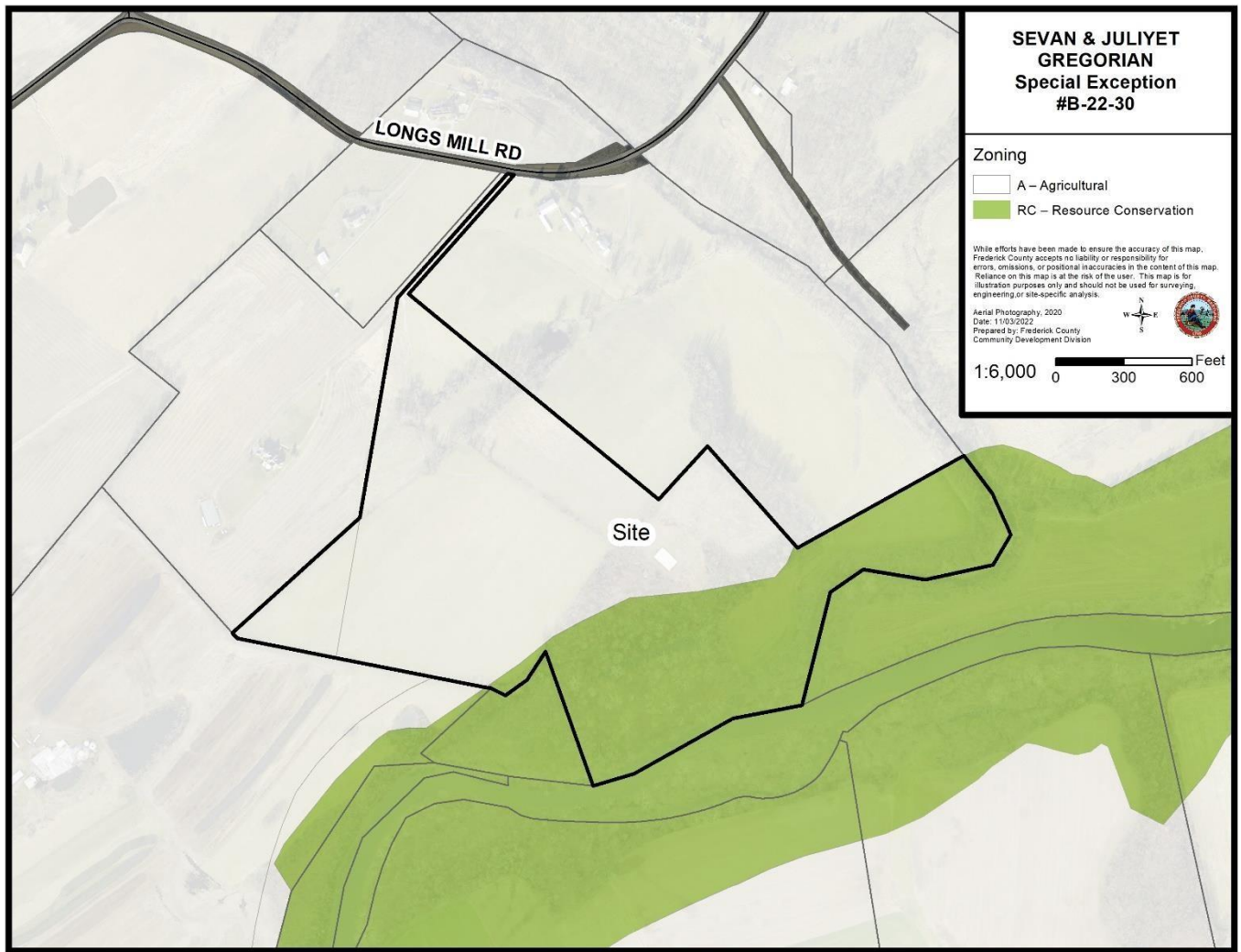
---

Aerial Map

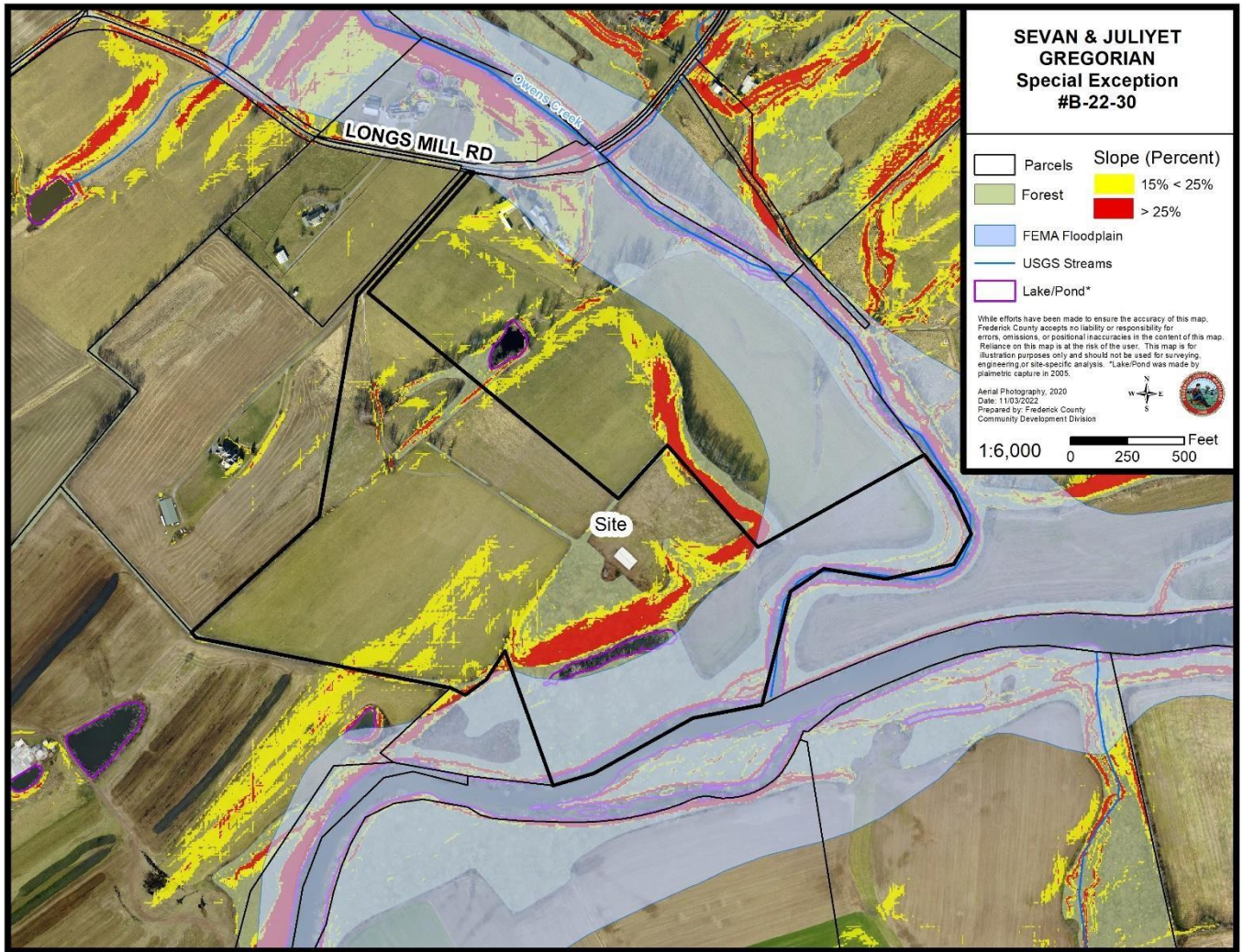


Zoning Map

B-22-30



Environmental Features Map



Comprehensive Plan Map

B-22-30

